

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF JANUARY 16, 2004

(Published January 24, 2004, in *Finance and Commerce*)

Council Chamber

350 South 5<sup>th</sup> Street

Minneapolis, Minnesota

January 16, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held December 29, 2003 and the Organization Meeting held January 5, 2004. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

### PETITIONS AND COMMUNICATIONS

#### **COMMUNITY DEVELOPMENT and INTERGOVERNMENTAL RELATIONS (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269314)

Lowry Av Corridor Project: Authorize execution of memorandums of understanding and cooperative agreements with Hennepin County to share development and planning activities.

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269315)

Infinite Graphics Incorporated (4611 E Lake St): Preliminary approval to issue up to \$2.4 million in revenue bonds through the Common Bond Fund.

Common Bond Fund Ordinance: Request passage of ordinance to facilitate the transition of the Common Bond Fund to the City of Minneapolis.

Minneapolis Relocation Policy: Amendments to policy regarding the definition of displaced business tenant.

Lake Street Center (Sears) Project: Grant exclusive development rights to Ryan Companies; Comments from Community Collaborative Opportunity Exchange.

#### **INTERGOVERNMENTAL RELATIONS:**

SOUTH METRO AIRPORT ACTION COUNCIL (269316)

Metropolitan Airport Commission's Noise Oversight Committee: Request of SMAAC for City to withdraw from Oversight Committee.

**INTERGOVERNMENTAL RELATIONS (See Rep):**

COUNCIL MEMBER LANE (269317)

Metropolitan Radio Board: Supporting legislation to remove the sunset that causes the Board to cease existence on June 30, 2004.

INTERGOVERNMENTAL RELATIONS (269318)

2004 Legislative Agenda.

**PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):**

LICENSES AND CONSUMER SERVICES (269319)

Taco Morelos (14 W 26th St): Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Licenses: Applications.

POLICE DEPARTMENT (269320)

Administrative Enforcement Fine Schedule Enforced by Police Licenses: Rescind Resolution 2002R-351 passed October 11, 2002; and Adopt newly revised Administrative Enforcement Fine Schedule to add liquor, wine or beer violations relating to the 2:00 a.m. closing and sales to obviously intoxicated persons.

MCMANUS, WILLIAM (269321)

Police Chief Appointment: Testimony of Chief William McManus to PS&RS Committee; with attachments.

**PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):**

FIRE DEPARTMENT (269322)

Fire Operations and Firefighter Safety: Accept grant award of \$135,922 from Federal Emergency Management Agency for purchase of hose, nozzle and adapters; Approve appropriation.

2003 Emergency Management Performance Grant: Accept grant award of \$31,318 from Federal Emergency Management Agency for Fire Department efforts in 2003 grant.

Thermal Imaging Camera: Accept donation of \$500 from Applebee's to put toward purchasing camera; and Approve appropriation.

Public Safety Training Grant: Accept grant award of \$85,000 from Minnesota Department of Public Safety to provide structural collapse rescue fire fighting training programs for Minneapolis and surrounding Fire Departments; Approve appropriation; and Issue Request for Proposals for structural collapse rescue fire fighting training programs, pending review and approval by Permanent Review Committee.

POLICE DEPARTMENT (269323)

State Patrol Services: Execute Joint Powers Agreement with Minnesota Department of Public Safety for State Patrol troopers to perform patrol functions in Minneapolis as directed by the City; and that the City shall reimburse the State of 25% of the State's personnel, per diem and helicopter flight costs for services provided in August and September 2003.

Bomb Unit: Accept grant award of \$55,000 and execute grant agreement with Minnesota Department of Public Safety for equipment and training related to hazardous materials; and Approve appropriation.

Police Services for Public Housing Authority: Execute contract for 2004 to provide services of one lieutenant, one sergeant and six patrol officers to provide police services to public housing communities.

PURCHASING (269324)

Bid for Fire Training Props: OP #6178, accept low responsive bid of Symtron Systems.

REGULATORY SERVICES (269325)

Pollution Control: Ordinances amending Title 3 of Code relating to Air Pollution and Environmental Protection, amending Chapter 47 relating to Minneapolis Air Quality Management Authority and Chapter 48 relating to Minneapolis Watershed Management Authority, increasing annual billing registration fees by \$5 and adopting Minnesota Statute 115.061, duty to notify and avoid water pollution to allow the City to enforce against responsible parties who fail to report spills and leaks.

**TRANSPORTATION AND PUBLIC WORKS:**

CITY CLERK (269326)

Critical Parking Area (Northside Laurel Av from N 15th St to N 16th St; Southside Laurel Av from Hennepin Av to N 16th St; Westside N 15th St from Laurel to Hawthorne; and Southside Hawthorne from N 15th St to N 16th St): Appl of James Nordlie requesting Type "A" CPA, Posted time limit except by permit.

PUBLIC WORKS AND ENGINEERING (269327)

Quarterly Submittal: Traffic Zones, Restrictions and Controls.

PartnerBin Pilot Project: Delete from the Agenda.

**TRANSPORTATION AND PUBLIC WORKS (See Rep):**

PUBLIC WORKS AND ENGINEERING (269328)

Skyway Advisory Committee: Passage of a Resolution approving the appointments of members for a two-year term to expire on 12/31/05.

Minnesota Transportation Museum, Inc. (MTM): Authorize a 20 year lease to use City-owned land for operating a historic streetcar system.

Modifying Critical Parking Area #5 (Elliot Park): Authorize current boundary to include the southerly half of the easterly side of the 1300 block of 5th Av S.

Special Assessment Deferment Application: (Disabled Citizens): Passage of a resolution approving a) 3148 Bloomington Av S, for a water service line repair in the principal amount of \$2750; b) 3252 Girard Ave N, for sidewalk replacement in the principal amount of \$2242.24; and c) 2110 23rd Ave N, for sidewalk replacement in the principal amount of \$1170.37.

**TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):**

PUBLIC WORKS AND ENGINEERING (269329)

LaSalle Av S St Reconstruction Project: a) Approval of project layout, dated 12/18/03; b) Passage of a resolution to proceed with a formal request for a variance from State Aid; c) Authorize negotiation to acquire and execute easements and additional right of way; and d) Passage of resolution holding harmless agreement with the State of Minnesota.

Light Emitting Diodes (LED) Pedestrian Indication Replacement Program: Passage of a resolution increasing appropriation by \$64,000 to be fully reimbursed by Xcel Energy Rebate Program for replacing pedestrian signal indications.

Bid: Approve OP#6175, submitted by CDS Technologies, Inc. in the amount of \$75,995 for storm water treatment chambers.

**WAYS AND MEANS BUDGET:**

COORDINATOR (269330)

2003 Charitable Campaign: Final report.

ESTIMATE AND TAXATION (269331)

Filings of Statements of Economic Interest: Review of filings and Internal Auditor's recommendations and report.

FINANCE DEPARTMENT (269332)

Assessment for Special Compensation Fund: Notification of payment to Minnesota Department of Labor and Industry for the City's semi-annual assessment.

2003 Resident Satisfaction Survey Report.

**WAYS AND MEANS BUDGET (See Rep):**

BUSINESS INFORMATION SERVICES (269333)

Voice and Data Cabling: Accept bids of NetVersant-Minneapolis/St. Paul Inc. and Metro Communications Services, Inc.

Information Services Outsourcing Contract: Increase contract with Unisys for additional managed services.

GIS 2000 Project: Extend contract with ESRI Corporation.

CITY CLERK (269334)

Staff Adjustment: Restore one Office Support Specialist II position.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269335)

Recall of Service Workers: Approve the addition of three Service Worker positions to authorized budget.

COORDINATOR (269336)

New Central Library Project - Construction Change Orders: Approve increase to contract with Knutson Construction Services, Inc.

FINANCE DEPARTMENT (269337)

Donation from Citizen: Accept funds from Miran Beaty.

HUMAN RESOURCES (269338)

Labor Settlement - AFSCME 911 Unit: Approve terms of 2004 Wage Re-Opener per the Arbitrators Award and direct staff to prepare salary changes.

Salary Adjustments for Appointed & Non-Represented Employees: Approve 2004 adjustments.

MUNICIPAL BUILDING COMMISSION (269339)

Historic Preservation Fund: Establish Special Revenue Fund to receive external enterprise revenue.

REGULATORY SERVICES (269340)

Environmental Health Program for Children in the Urban Environment: Issue request for proposals for development of a comprehensive plan and strategies.

Healthy Homes Control Grant: Contract with St. Paul/Ramsey County Department of Public health for program to reduce environmental asthma triggers.

**ZONING AND PLANNING (See Rep):**

HERITAGE PRESERVATION COMMISSION (269341)

University of Minnesota Greek Letter Chapter House Historic District: Amend Council action of 10/10/03 re design guidelines.

INSPECTIONS/BOARD OF ADJUSTMENT (269342)

Appeals:

Christopher Olsen (1704-49th Ave N).

MAYOR (269343)

Mpls Planning Commission: Reappointments of Judith Martin & Michael Krause.

PLANNING COMMISSION/DEPARTMENT (269344)

Appeals:

The Nicollet Island-East Bank Neighborhood Association & the Old St. Anthony Association re T.H.E. Theater & the Wash & Brush Up Company (509 Central Ave NE);

Dennis Werneke, for Second Street Business Association re Commercial Container Corporation (2209-2nd St N);

Jerome Whelan, for Commercial Container Corporation (2209-2nd St N);

The Above the Falls Citizen Advisory Committee re Timothy Baylor, for JADT Development Group/Riverview Homes (2225 W River Rd N and 2201 W River Rd N).

Rezoning:

JADT Development Group, LLC (2225 W River Rd N);

JADT Development Group, LLC (2201 W River Rd N).

**FILED:**

CITY CLERK (269345)

Chapter 249 Property at 1111 17th Avenue North: Verbatim Transcripts of a portion of the Public Safety & Regulatory Services Committee Meeting held August 27, 2003; and a portion of the Minneapolis City Council Meeting held September 12, 2003.

CITY CLERK/SPECIAL PERMITS (269346)

Lake Harriet Bandshell (EHFNA) horses & wagons;

Minnehaha Pkwy East, 2401 (NENA) horses;

Nicollet Island Pavillion (Minneapolis Park Board) horses.

ALICE M. DILLON, ET AL. (269347)

2004 Budget: Constituent letters. (See Council meeting of 12/8/03)

ROSIE TURNER, ET AL (269348)

Police Chief Appointment: Constituent letters re appointment of William McManus. (See PS&RS Report)

*The following reports were signed by Mayor Rybak on 1/22/04, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.*

### REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** and **INTERGOVERNMENTAL RELATIONS** Committees submitted the following reports:

**Comm Dev & IGR** - Your Committee, having under consideration the Lowry Av Corridor Project, now recommends that the proper City officers be authorized to execute memorandums of understanding and cooperative agreements with Hennepin County related to said project and to allow for sharing of planning and development responsibilities.

Adopted 1/16/04.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the request of Infinite Graphics Incorporated for revenue bonds to finance improvements to their facility at 4611 E Lake St and, having held a public hearing thereon, now recommends passage of the accompanying resolution granting preliminary approval of up to \$2,400,000 in Tax-exempt and Taxable Limited Tax Supported Development Revenue Bonds through the Common Bond Fund (Series 2004) and designating the bonds as bonds entitled to the security provided by the Tax Reserve and Pledge Ordinance.

Adopted 1/16/04.

Approved by Mayor Rybak 1/16/04.

(Published January 20, 2004)

Resolution 2004R-001, granting preliminary approval of up to \$2,400,000 in Tax-exempt and Taxable Limited Tax Supported Development Revenue Bonds through the Common Bond Fund (Series 2004) and designating the bonds as bonds entitled to the security provided by the Tax Reserve and Pledge Ordinance, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

### **RESOLUTION 2004R-001** **By Goodman and Johnson**

**Giving preliminary approval to a project on behalf of Infinite Graphics Incorporated and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.**

Whereas, under Sections 469.152 through 469.1651 of the Minnesota Statutes, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of

projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise engaged in any business; and

Whereas, the City has assumed the obligations of the Minneapolis Community Development Agency (the "Agency") with respect to a certain common bond fund and intends to continue to issue revenue bonds to be secured thereby (the "Common Fund Bonds"); and

Whereas, the City has authority to issue Common Fund Bonds and is the successor to the Common Fund Bonds issued by the Agency; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the central City area and the need for more intensive development and use of land within the City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and encourages land development, thereby increasing the tax base of the City and overlapping taxing districts; and

Whereas, Infinite Graphics Incorporated, a Minnesota corporation (the "Company"), has proposed to refinance, improve and equip a manufacturing facility located at 4611 East Lake Street in the City (hereinafter, the "Project"), to be used in the operation of its precision graphics products manufacturing business; and

Whereas, the Company has proposed that the City issue one or more series of its Common Fund Bonds (the "Bonds"), for the purpose of financing and refinancing the Project, including certain incidental expenses thereto, in an approximate principal amount of \$2,400,000 and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Company pursuant to a revenue agreement wherein the Company will be obligated to refinance, improve and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payments of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of the Project would be significantly impaired, such that the Project would not be undertaken but for the availability of industrial development bond financing under the Act; and

Whereas, the City Council has been advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City at least fourteen (14) days prior to consideration hereof; and

Whereas, it is proposed that the Bonds would be further secured by Chapter 424 of the City Code of Ordinances; and

Whereas, the proposed Project consists of real and/or personal properties to be used in a revenue-producing enterprise engaged in business, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City, by increasing the tax base of the City and overlapping taxing jurisdictions, by providing additional or retaining existing employment opportunities for residents of the City and surrounding area or by stimulating the development and redevelopment of marginal lands within the City; and

Whereas, except as may be authorized by Chapter 424 of the City Code of Ordinances, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

A. That it is hereby found and determined that the Project would not be undertaken but for the availability of industrial development bond financing under the Act.

B. That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act in an approximate aggregate principal amount of \$2,400,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%), to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Department of Employment and Economic Development of the State of Minnesota (the "Department") under the Act, and to the agreement of the City, the Company and the purchaser or purchasers of the Bonds on the detailed terms and conditions on which the Project will be refinanced, improved and equipped and the Bonds will be issued, sold and secured.

C. That in accordance with Sections 469.152 through 469.1651, Minnesota Statutes, staff of the City is hereby authorized and directed to submit the proposal for undertaking the Project to the Department requesting approval of the Project. The Finance Officer, the City Attorney and other officers, employees and agents of the City are hereby authorized to provide the Department such preliminary information as may be required for this purpose. The City Attorney is also authorized, in cooperation Gray, Plant, Mooty, Mooty & Bennett, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project in order that, when and if the Project is approved by the Department, it may be carried forward expeditiously.

D. That the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.

E. That the City shall not adopt a resolution authorizing the issuance of the Bonds until all persons and entities, including the Company, involved in the operations or ownership of the Project have complied with all requirements of and had their respective affirmative action plans and equal opportunity requirements approved by the affirmative action office of the City.

F. That if and when the Bonds are issued by the City such Bonds shall be designated by the City Council of the City as bonds entitled to the security provided by Chapter 424 of the City Code of Ordinances and that the Bonds hereby requested to be designated shall not exceed \$2,400,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%).

G. This Resolution shall constitute the official intent of the City to reimburse expenditures by the Company with respect to the Project, within the meaning of Section 1.150-2 of the Treasury Regulations.

Adopted 1/16/04.

Approved by Mayor Rybak 1/16/04.

**Comm Dev & W&M/Budget** – Your Committee, to whom was referred an ordinance amending Title 16, Chapter 424 of the Minneapolis Code of Ordinances relating to *Planning and Development: Tax Levy to Secure Industrial Development Bonds*, to facilitate the transitioning of the Common Bond Fund to the City of Minneapolis, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 1/16/04.

Approved by Mayor Rybak 1/16/04.

Ordinance 2004-Or-001, amending Title 16, Chapter 424 of the Minneapolis Code of Ordinances relating to *Planning and Development: Tax Levy to Secure Industrial Development Bonds*, to facilitate the transitioning of the Common Bond Fund to the City of Minneapolis, was passed 1/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-001**  
**By Goodman**  
**Intro & 1st Reading: 12/15/03**  
**Ref to W&M/Budget**  
**2nd Reading: 1/16/04**

---

**Amending Title 16, Chapter 424 of the Minneapolis Code of Ordinances relating to Planning and Development: Tax Levy to Secure Industrial Development Bonds.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 424.10 of the above-entitled ordinance be amended to read as follows:

**424.10. Findings.** (a) ~~The city is authorized under Pursuant to Minnesota Laws of 1980, Chapter 595, Section 3, by the city has adopted an ordinance upon request establishing a limited tax pledge to secure certain bonds of the Minneapolis Community Development Agency (the "agency"); to pledge the full faith and credit of the city to the repayment of bonds issued by the agency. Such common fund bonds (as defined in Resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended, and herein, the "Basic Resolutions") have been issued by the agency pursuant to the Basic Resolutions.~~

(b) ~~The agency has indicated that the agency intends to issue from time to time various series of common fund bonds (as defined in Resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended) and has requested that the city adopt an ordinance exercising the authority granted by section 3 of Chapter 595.~~

(b) Pursuant to the authority of 2003 Minnesota Laws, Chapter 127, Article 12, Sections 31-34, and chapter 415 of the Minneapolis Code of Ordinances, the city has, effective January 1, 2004, assumed the obligations of the agency with respect to the common fund bonds, the Basic Resolutions and related resolutions and instruments. It is the city's intention to continue to issue common fund bonds.

(c) ~~The city has determined that it is in the public interest to continue to enhance the security and marketability of certain series of common fund bonds by making available the city's taxing power in the limited manner set forth in this chapter for said purpose, thereby achieving the public purposes of the city and the agency and preserving the credit of the city.~~

Section 2. That Section 424.20 of the above-entitled ordinance be amended to read as follows:

**424.20. Pledge and limitation.** ~~The city hereby pledges and agrees with the agency for the benefit of the holders from time to time of certain series of common fund bonds designated under section 424.60 of this chapter (such series of common fund bonds so designated are referred to hereinafter as the "bonds") to annually levy and collect ad valorem taxes in an amount not to exceed the product of one-half per cent and the tax capacity of all property subject to ad valorem taxes in the city in accordance with this chapter for the payment of principal, interest and redemption price (as defined in Resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended the Basic Resolutions ) of the bonds and the maintenance of a tax reserve fund (as defined in section 424.80). All taxes collected by the city pursuant to the levy pledged pursuant to this section 424.20 shall be deposited in the tax reserve fund. The city shall under no circumstances be compelled to exercise its taxing powers in respect of the bonds to any extent in excess of the foregoing limitation in any one fiscal year of the city, and the pledge made hereunder shall be deemed a full faith and credit pledge of the city only to the extent provided in this chapter.~~

Section 3. That Section 424.30 of the above-entitled ordinance be amended to read as follows:

**424.30. Levy and collection.** ~~The city hereby pledges and agrees with the agency for the benefit of the holders from time to time of the bonds to annually levy and collect the taxes described in section 424.20 of this chapter whenever the amounts available in the tax reserve fund are insufficient to satisfy the tax reserve fund requirement (as defined in section 424.90) provided, however, that no levy for this purpose shall be made unless the IDB account (as defined in Resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended the Basic Resolutions) has been fully depleted. An IDB account shall be fully depleted for this purpose only when no cash, investments or approved letters of credit (as defined in Resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended the Basic Resolutions) remain on deposit therein. The city may elect to reduce or prevent any particular required levy by providing monies as described in section 424.110 of this chapter.~~

Section 4. That Section 424.40 of the above-entitled ordinance be amended to read as follows:

**424.40. Prohibition on future decreases of pledge.** ~~The city further pledges and agrees with the agency for the benefit of the holders of the bonds that the pledge to the bonds of property taxes equal~~



to one-half per cent of the tax capacity of the property in the city subject to ad valorem property taxes shall not be decreased by the city.

Section 5. That Section 424.50 of the above-entitled ordinance be amended to read as follows:

**424.50. Designation of bonds.** The provisions of this chapter shall only apply to particular series of common fund bonds ~~which~~ that the city council shall designate by resolution. The resolution designating a series of bonds shall state, or incorporate by reference, the principal amount of the bonds, their maximum term, the method of determining their redemption price and their maximum interest rate. Such resolution may contain such other items or take such other actions as the city council finds appropriate.

Section 6. That Section 424.60 of the above-entitled ordinance be amended to read as follows:

**424.60. Continuation of application of this chapter.** The city agrees to continue to levy and collect the taxes pledged hereunder as required under the terms of this chapter so long as any bonds are outstanding (as defined in ~~Resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended~~ the Basic Resolutions).

Section 7. That Section 424.80 of the above-entitled ordinance be amended to read as follows:

**424.80. Tax reserve fund.** There is hereby created a separate fund of the city to be titled ~~"Minneapolis Community Development Agency Common Bond Fund Tax Reserve Fund"~~ (the "tax reserve fund"). The tax reserve fund shall be maintained by the city until no bonds remain outstanding. Monies in the tax reserve fund shall be paid to the trustee (as defined in ~~resolution No. 82-512 of the agency, as amended and as defined in Resolution No. 92-815M of the agency, as amended~~ the Basic Resolutions) for the payment of principal, interest or the redemption price of bonds when the trustee has notified the city that without such payment principal, interest or the redemption price would not be paid when due under the terms of the bonds or would continue past due.

Section 8. That Section 424.90 of the above-entitled ordinance be amended to read as follows:

**424.90. Tax reserve requirement.** The tax reserve requirement shall be zero dollars (\$0.00) until an IDB account has been depleted as described in section 424.30 of this chapter. For all times thereafter, regardless of subsequent replenishment of an IDB account, the tax reserve requirement shall be equal to twice the amount obtained by multiplying one-half percent by the tax capacity of all properties in the city against which the city could levy ad valorem taxes. The tax reserve requirement shall be determined as of the later of (i) the date on which an IDB account shall be first fully depleted, or (ii) the date upon which monies shall have been most recently drawn from the tax reserve fund to pay the principal, interest or redemption price of the bonds.

The city may withdraw from the tax ~~revenue~~ reserve fund any monies in excess of the tax reserve fund requirement at any time and apply monies withdrawn to any city purpose. The city shall ~~provide to the agency information concerning the investment of amounts in the tax reserve fund necessary to enable the agency to calculate the amounts which may be subject to rebate to the United States under Section 148 of the Internal Revenue Code of 1986 or any applicable successor provisions~~ with respect to the tax reserve fund. The city further pledges and agrees ~~with the agency~~ for the benefit of the holders of the bonds to limit the yield on investments in the tax reserve fund and make the rebates to the United States as required by Section 148 of the Internal Revenue Code of 1986 or applicable successor provisions, but only to the extent required to preserve any exclusion from federal gross income of interest on the bonds.

Section 9. That Section 424.110 of the above-entitled ordinance be amended to read as follows:

**424.110. Provision of available monies and reduction of required levy.** The city may from time to time reduce the amount otherwise required to be levied under this chapter by providing other available monies of the city to the tax reserve fund in lieu of amounts ~~which~~ that would otherwise have been levied. Under no circumstances shall monies provided by the city, together with amounts levied under this chapter, be required to exceed in any fiscal year of the city the amount which could be collected by the imposition of the maximum levy pursuant to section 424.20 of this chapter.

Adopted 1/16/04.

**Comm Dev & W&M/Budget** - Your Committee recommends that the Minneapolis Relocation Policy be amended as follows:

a) To exclude from the definition of displacement any business tenant that is required to move as a result of private development receiving City financing if such business tenant is required to move at the end of its lease term; and

b) Technical language changes that will clarify its original applicability to business tenants as well as residential tenants.

The amended policy is included in Petn No 269315 and dated October 10, 2003.

Adopted 1/16/04.

**Comm Dev & W&M/Budget** - Your Committee, having under consideration the Lake Street Center (formerly Sears) on Chicago Av S and E Lake St and the results of a request for proposals process, now recommends concurrence with the recommendation of the Community Planning and Economic Development (CPED) Department to grant exclusive development rights to Ryan Companies for the Lake Street Center for the period of six months, subject to payment of a \$60,000 exclusive rights fee.

Adopted 1/16/04.

Declining to Vote - Johnson Lee.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following reports:

**IGR** - Your Committee recommends passage of the accompanying resolution supporting legislation to remove the sunset that causes the Metropolitan Radio Board to cease existence on June 30, 2004.

Adopted 1/16/04.

Resolution 2004R-002, supporting legislation to remove the sunset that causes the Metropolitan Radio Board to cease existence on June 30, 2004, and to make the Metropolitan Radio Board the permanent governing body for the Minnesota Metro Public Safety Communication System, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2004R-002**

**By Lane**

**Supporting legislation to remove the sunset that causes the Metropolitan Radio Board to cease existence on June 30, 2004.**

Whereas, local government spending of property tax dollars by participating units of government has overshadowed state spending on the *shared* Minnesota Metro Public Safety Communication System; and

Whereas, local elected officials that represent equity owners have a right to representation on the system's governing body; and

Whereas, the high level of interdependence among users requires *local* input and support for the procedures and policies that are set for the system; and

Whereas, the Metropolitan Radio Board governance model has worked especially well and is internationally respected and admired; and

Whereas, technical cooperation is required for a shared system to function effectively and the Metropolitan Radio Board's operating committees ensure such cooperation; and

Whereas, unburdened by multiple departments and a large bureaucracy, the Metropolitan Radio Board can often act more efficiently and in a timely manner in negotiating leases and contracts and in making purchases; and

Whereas, the Metropolitan Radio Board's eight years of experience in the process of assisting local units to come on to the system and a transfer of power at this time would take up precious time unnecessarily and could squander substantial resources already in place; and

Whereas, eliminating the Board would eliminate the local voice in allocating the 9-1-1 surcharge funds that flow to the Board; and

Whereas, the Board's independent efforts to secure additional federal funds have been successful and effective; and

Whereas, the Board has developed and delivered valuable scenario-based training for dispatchers and users and the Board's control of the 9-1-1 surcharge dollars insures that training receives a high priority; and

Whereas, the Board, defined in statute as a local unit of government, is required by law to conduct all its business in public and is subject to the provisions of the open meetings law; and;

Whereas, for the reasons state above, the City of Minneapolis has determined that it is vital to the success of the Minnesota Metro Public Safety Communication System that the governance structure currently in place for the metropolitan area continue indefinitely;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis supports legislation to remove the sunset that causes the Metropolitan Radio Board to cease existence on June 30, 2004, and to make the Metropolitan Radio Board the permanent governing body for the Minnesota Metro Public Safety Communication System.

Adopted 1/16/04.

**IGR** - Your Committee recommends passage of the accompanying resolution requesting the State of Minnesota to join in funding the "Close the Gap" Initiative to the documented level of state tax revenue gain by result of the increased placements earned through the Initiative.

Adopted 1/16/04.

Resolution 2004R-003, requesting the State of Minnesota to join in funding the "Close the Gap" Initiative to the documented level of state tax revenue gain by result of the increased placements earned through the Initiative, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-003**  
**By Zerby and Benson**

**Requesting the State of Minnesota to join in funding the "Close the Gap" Initiative to the documented level of state tax revenue gain by result of the increased placements earned through the Initiative.**

Whereas, the City Council has fully reviewed the plan to "Close the Gap" by closing the unemployment gap that exists between City and metro areas; and

Whereas, the "Close the Gap" plan includes an important partnership with the Minnesota Department of Employment and Economic Development (DEED); and

Whereas, that State-City partnership calls for a business service pilot that will allow the City's jobs programs to connect the unemployed with employers in Minneapolis; and

Whereas, the State stands to gain about \$575.00 per annum in state income tax revenues for every placement made from the City's jobs programs;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council would support a request to the State of Minnesota to join in funding the "Close the Gap" Initiative to the documented level of state tax revenue gain by result of the increased placements earned through the Initiative.

Adopted 1/16/04.

**IGR** - Your Committee forwards without recommendation the City's agenda for the Year 2004 Legislative Session relating to City Bonding Priorities; Local Government Finance; Affordable Housing; Transportation; Public Safety; Municipal Government; City Livability; Jobs & Economic Development, as set forth in Petn No 269318.

Benson moved to amend the "Affordable Housing" section of the Petition by deleting the language sent forward without recommendation after "Minneapolis supports legislation:" which reads, "Legislation prohibiting or limiting the ability of a lender to charge modification and deferral fees." Seconded.

Adopted by unanimous consent.

Benson moved to amend the "Transportation" section of the Petition by deleting the language sent forward without recommendation after "Minneapolis supports:" which reads, "Legislation creating alternative sources of revenues for transportation improvements. These could include authority to creates and utilize a transportation utility and authority for more extensive use of special assessments," and inserting in lieu thereof, "Legislation authorizing cities to create, as a local option, additional utilities such as a transportation or sidewalk utility. Such authority would acknowledge: the effects of repeated levy limits and the general funding shift from the state to local governments for building and maintaining necessary infrastructure; the benefits to all taxpayers of a properly maintained public infrastructure; and, the limitations of existing special assessment authority." Seconded.

Adopted by unanimous consent.

Zerby moved to amend the "Affordable Housing" section of the Petition by adding the following bullet points after the language, "Regulating predatory lending on a state-wide basis. This would include support for":

1) "Requiring lenders to receive written certification from an independent housing or credit counselor approved by the United States Department of Housing and Urban Development, the State of Minnesota, that the borrower has received counseling on the advisability of the loan transaction and the appropriateness of the loan for the borrower. This certification must be received before making or arranging high cost home loans."

2) "A private right of action in the Statute authorizing the Minnesota Attorney General to enforce provisions of Minn. Stat. Sec. 58.

3) Supports the Home Loan Protection Act (AARP).

Lost. Yeas, 6; Nays, 7 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson Lee, Samuels, Zimmermann.

Nays - Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Ostrow.

The report, as amended, was adopted 1/16/04.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** - Your Committee, having under consideration the Mayor's nomination and approval by the Executive Committee to appoint William McManus to serve as the Chief of Police for a three-year term to expire January 2, 2007, and having held a public hearing thereon, now recommends that said appointment be sent forward without recommendation.

Johnson Lee moved to amend the report by deleting the language "that said appointment be sent forward without recommendation" and inserting in lieu thereof the following:

"that William McManus be appointed as Police Chief". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 1/16/04.

Yeas, 9; Nays, 4 as follows:

Yeas - Schiff, Zerby, Johnson Lee, Benson, Lane, Samuels, Johnson, Zimmermann, Ostrow.

Nays - Lilligren, Niziolek, Goodman, Colvin Roy.

Approved by Mayor Rybak 1/16/04.

(Published 1/20/04)

**PS&RS** - Your Committee, having under consideration the application of Taco Morelos Inc, dba Taco Morelos, 14 W 26th St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2004, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

**PS&RS** - Your Committee, having under consideration the application of Taco Morelos Inc, dba Taco Morelos, 14 W 26th St, for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire July 1, 2004, now recommends that said license be granted, subject to the following conditions:

a. all managers will be required to be approved through the licensing guidelines as set forth in Section 362.120 of the Minneapolis Code of Ordinances. Any change in managers will be required to be reported to the Licensing Division within 10 business days.

b. all new employees hired for the supervision of beverage alcohol servers or for the service of beverage alcohol will be required to undergo server training within 60 days of the date of hire. When a new hire takes place, a new list of employees who have successfully completed the server training program will be provided to the Licensing Division within 10 business days.

c. if a change takes place in any of the following, that change must be reported to the Licensing Division, in writing, at least ten business days prior to any such change taking place: the name of the restaurant, the name of the license holder, ownership, or in operations.

d. strict compliance with all City of Minneapolis, State of Minnesota and Federal laws.

e. the licensee shall send the Licensing Division a copy of the results of any secret shopper program, when a secret shopper attempts to purchase alcohol from the licensee's establishments.

f. final inspection and compliance with all provisions of applicable codes and ordinances.

The report, as substituted, was adopted 1/16/04.

Declining to Vote - Benson.

**PS&RS** - Your Committee, having under consideration the application of Global Dish Family Restaurant LLP, dba Global Dish Family Restaurant, 4016 Bloomington Av, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2004, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 1/16/04.

Declining to Vote - Benson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 1/16/04.

Declining to Vote - Benson.

Resolution 2004R-004, granting applications for Liquor, Wine and Beer Licenses, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

#### **RESOLUTION 2004R-004**

**By Niziolek**

#### **Granting Liquor, Wine and Beer Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

#### **On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2004**

Harrison Restaurant Holdings Inc, dba Sawatdee Bar & Cafe, 118 4th St N (internal transfer of shares);

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004**

Harrison Restaurant Holdings Inc, dba Sawatdee Bar & Cafe, 118 4th St N (internal transfer of shares);

**Temporary On-Sale Liquor**

Pacer Center Inc, dba Fundraiser for Charity-Pacer, 8161 Normandale Blvd (February 7, 2004, 7:00 p.m. to Midnight at Mill City Museum, 6th floor, 2nd St S);

Minnesota Public Radio, dba Minnesota Public Radio, 45 E 7th St, St. Paul (February 20, 2004, 3:00 p.m. to 9:00 p.m.; February 21, 2004, 11:00 a.m. to 7:00 p.m.; February 22, 2004, 11:00 a.m. to 5:00 p.m. at Convention Center; Licensed Facilitator: Kelber Catering).

Adopted 1/16/04.

Declining to Vote - Benson.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 1/16/04.

Resolution 2004R-005, granting applications for Business Licenses, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-005**

**By Niziolek**

**Granting applications for Business Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of January 16, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 269319):

Amusement Devices; Asphalt Shingles & Roofing Manufacturer; Bed & Breakfast Facility; Bill Posting, Sign Painting & Hanger; Christmas Tree; Dry Cleaner - Flammable; Dry Cleaner - Nonflammable; Dry Cleaning & Laundry Pickup Station; Laundry; Place of Entertainment; Caterers; Grocery; Food Manufacturer; Meat Market; Restaurant; Sidewalk Cafe; Heating, Air Conditioning & Ventilating Class A; Heating, Air Conditioning & Ventilating Class B; Hotel/Motel; Lodging House; Lodging Housing with Boarding; Gasoline Filling Station; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Pawnbroker Class A; Plumber; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Exhibition Operator Class C; Sign Hanger; Solid Waste Hauler; Taxicab Limited; Taxicab Vehicle; Tobacco Dealer; Combined Trades; Valet Parking; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted 1/16/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 1/16/04.

Resolution 2004R-006, granting applications for Gambling Licenses, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-006**

**By Niziolek**

**Granting applications for Gambling Licenses.**

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Class A**

American Legion Post 99, dba American Legion Post 99, 5600 34th Av S (Site: American Legion Post 99, 5600 34th Av S);

**Gambling Class B**

Bolder Options, dba Bolder Options, 2020 1st Av S (Site: Arone's Bar, 500 Central Av SE);

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2520 26th Av S (Site: Lee's Liquor Bar, 101 Glenwood Av N);

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2520 26th Av S (Site: Stardust Lanes, 2520 26th Av S);

Minneapolis Riverview Lions, dba Minneapolis Riverview Lions, 2520 26th Av S (Site: BJ's Liquor Lounge, 229 W Broadway).

Adopted 1/16/04.

**PS&RS** - Your Committee recommends passage of the accompanying Resolution approving Technical Advisory Committee recommendations relating to the Combined Trades License held by HO Soderlin Inc, 3612 Cedar Av S.

Adopted 1/16/04.

Resolution 2004R-007, approving Technical Advisory Committee recommendations relating to the Combined Trades License held by HO Soderlin Inc, 3612 Cedar Av S, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-007**

**By Niziolek**

**Approving Technical Advisory Committee recommendations relating to the Combined Trades License held by HO Soderlin Inc, 3612 Cedar Av S.**

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations after the Licenses Division received a consumer complaint against HO Soderlin Inc; and

Whereas, the licensee has agreed to forgo a Technical Advisory Committee hearing for violating Section 156.10 of the Minneapolis Code of Ordinances by installing a boiler that was not the model specified in the contract with the homeowner; and

Whereas, the licensee has stipulated that the Findings of Fact, Conclusions and Recommendations are true and correct;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following TAC recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

a. the licensee shall pay an administrative penalty in the amount of \$1,000, with \$500 being stayed pending there are no same or similar violations within a one-year period.

b. the licensee agrees to establish an invoicing and estimate practice in compliance with Chapter 158 of the Minneapolis Code of Ordinances. A copy of said invoice and estimate procedures are to be sent to the Licenses Division within 30 days of the signing of the TAC Agreement.

c. the licensee agrees that all further changes to estimates shall be done in change order format with a signature by the purchaser.

d. the licensee agrees to allow the Licenses Division to review its invoices and estimates for a one-week period following acceptance of the TAC Agreement.

e. the licensee agrees to honor the settlement agreement sent to the Licenses Division on December 18, 2003 that states they will return Mr. Shapiro's funds in the amount of \$12,800 and the removal of the boiler. If Mr. Shapiro rejects this agreement, HO Soderlin agrees to pay any court judgments after all appeals have been exhausted.

Adopted 1/16/04.

**PS&RS** - Your Committee, having under consideration the Administrative Enforcement Fine Schedule to be enforced by the License Inspection Division of the Police Department, now recommends passage of the following Resolutions:

a. rescinding Resolution 2002R-351 passed October 11, 2002; and

b. adopting a new revised Administrative Enforcement Fine Schedule to add liquor, wine or beer violations relating to the 2:00 a.m. closing and sales to obviously intoxicated persons.

Adopted 1/16/04.

Resolution 2004R-008, rescinding Resolution 2002R-351 entitled "approving the adoption of an Administrative Enforcement Fine Schedule for violations enforced by Officers assigned to the Police Department License Investigation Division", was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-008**

**By Niziolek**

**Rescinding Resolution 2002R-351 entitled "approving the adoption of an Administrative Enforcement Fine Schedule for violations enforced by Officers assigned to the Police Department License Investigation Division".**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution be and is hereby rescinded.

Adopted 1/16/04.

Resolution 2004R-009, approving the adoption of an Administrative Enforcement Fine Schedule for violations enforced by Officers assigned to the Police Department License Investigation Division, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-009**

**By Niziolek**

**Approving the adoption of an Administrative Enforcement Fine Schedule for violations enforced by Officers assigned to the Police Department License Investigation Division.**

Whereas, the Minneapolis City Council has adopted an Amendment to Title 1 of the Minneapolis Code of Ordinances by adding therein a Chapter 2 relating to an Administrative Enforcement and Hearing Process; and



Whereas, Section 2.60 of the Minneapolis Code of Ordinances provides for the imposition of a civil fine for violations of certain Articles of the Minneapolis Code of Ordinances; and

Whereas, Section 2.70 of the Minneapolis Code of Ordinances provides that the City Council shall adopt by Resolution a schedule of fines for administrative offenses; and

Whereas, the License Investigation Division of the Police Department has submitted a proposed civil fine schedule for consideration by the City Council;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed civil fine schedule presented for consideration by the License Investigation Division of the Police Department be adopted, as set forth in Petn No 269320 on file in the Office of the City Clerk.

Adopted 1/16/04.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee, to whom was referred an ordinance amending Title 3 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection*, amending Chapter 47 relating to *Minneapolis Air Quality Management Authority* and Chapter 48 relating to *Minneapolis Watershed Management Authority*, increasing Pollution Control Annual Billing registration fees by \$5, and adoption of Minnesota Statute 115.061, Duty to notify and avoid water pollution to allow the City to enforce against responsible parties who fail to report spills and leaks, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 1/16/04.

Ordinance 2004-Or-002 amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority*, amending Section 47.70 to increase the pollution control annual billing registration fees by \$5, was passed 1/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-002**  
**By Niziolek**  
**Intro & 1st Reading: 12/15/03**  
**Ref to: PS&RS**  
**2nd Reading: 1/16/04**

**Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Air Quality Management Authority.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 47.70 of the above-entitled ordinance be amended to read as follows:

**47.70. Annual registration fees for equipment.** The fees for the annual registration required by section 47.50 of this chapter shall be forty-five dollars (~~\$40.00~~ 45.00) per unit and forty-five dollars (~~\$40.00~~ 45.00) for any combination of space heating equipment as set out in section 47.50(a) subd. (1).

Adopted 1/16/04.

Ordinance 2004-Or-003 amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority*, amending Sections 48.20 and 48.310 to increase pollution control annual billing registration fees by \$5 and adopt Minnesota Statute 115.061, Duty to notify and avoid water pollution to allow the City to enforce against responsible parties who fail to report spills and leaks, was passed 1/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-003**  
**By Niziolek**  
**Intro & 1st Reading: 12/15/03**  
**Ref to: PS&RS**  
**2nd Reading: 1/16/04**

**Amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Watershed Management Authority.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 48.20 (a) of the above-entitled ordinance be amended to read as follows:

**48.20. State rules and statutes.** (a) Minnesota Rules (2001), Chapters 4715, 4725, 7035, 7037, 7041, 7042, 7044, 7045, 7048, 7050, 7056, 7060, 7080, 7100, 7105, 7150, and 7151, and subsequent updates, are made part of this chapter as if fully set forth herein. Minnesota Statute 115.061 (2003), and subsequent updates, are made part of this chapter as if fully set forth herein.

Section 2. That Section 48.310 (a) of the above-entitled ordinance be amended to read as follows:

**48.310. Fees.** (a) For the equipment specified below applicant(s) shall pay the specified permitting fee upon application and an annual fee each year the equipment/condition exists.

**TABLE INSET:**

<i>Equipment/Condition</i>	<i>Permit/Filing Fee</i>	<i>Annual Fee</i>
Aboveground storage tank		
Install/remove (48.120)	\$100.00	
Abandonment (48.120)	\$250.00	
Storage of regulated substances (48.125)		<del>\$40.00</del> <u>\$45.00</u> per 250 gallon increment/ or tank
Underground storage tank		
Out of service (48.150)		\$500.00
Install/remove (48.130 and 48.145)	\$100.00	
Abandon in place (48.130 and 48.145)	\$250.00	
Annual chemical inventory registration (48.160)		\$500.00
Contaminated site (48.230)		
Open leak site		\$300.00
CERCLIS/MERLA site		\$1,000.00
On-site remediation system,		
except wells (48.240)	\$500.00	\$500.00
Wells (48.260)		\$100.00
Construction, modification, reconstruction, sealing		\$100.00
Water supply well maintenance		\$125.00
Monitoring and recovery well maintenance		\$125.00
Oil/water separator (48.270)		<del>\$40.00</del> <u>\$45.00</u>
Industrial waste generator (48.280)		<del>\$40.00</del> <u>\$45.00</u>
Adopted 1/16/04.		

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$135,922 from the Federal Emergency Management Agency (FEMA), FY03 Assistance to Firefighters Grant Program, to put toward the purchase of hose, nozzle and adapters for the Minneapolis Fire Department. Further, passage of the accompanying Resolution appropriating \$135,922 to the Fire Department.

Adopted 1/16/04.

**RESOLUTION 2004R-010**  
**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Federal Fund (030-280-2820) by \$135,922 and increasing the Revenue Source (030-280-2820 - Source 3210) by \$135,922.

Adopted 1/16/04.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$31,318 from the Federal Emergency Management Agency for Fire Department efforts in the 2003 Emergency Management Performance Grant.

Adopted 1/16/04.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a donation of \$500 from Applebee's to put toward the purchase of a thermal imaging camera. Further, passage of the accompanying Resolution appropriating \$500 to the Fire Department.

Adopted 1/16/04.

**RESOLUTION 2004R-011**  
**By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2820) by \$500 and increasing the Revenue Source (060-280-2820 - Source 3720) by \$500.

Adopted 1/16/04.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a Joint Powers Agreement with the Minnesota Department of Public Safety for State Patrol troopers to perform patrol functions in Minneapolis, as directed by the City. Said agreement provides that the City will reimburse the State for 25% of the State's personnel, per diem and helicopter flight costs for the State's services provided in August and September of 2003.

Adopted 1/16/04. Yeas, 12; Nays, 1 as follows:

Yeas - Schiff, Zerby, Lilligren, Johnson, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Ostrow.

Nays - Niziolek.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$55,000 and execute a grant agreement with the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for training and equipment for the Bomb Unit for response to incidents involving hazardous materials. Further, passage of the accompanying Resolution appropriating \$55,000 to the Police Department.

Adopted 1/16/04.

**RESOLUTION 2004R-012  
By Niziolek and Johnson**

**Amending The 2003 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C005) by \$55,000 and increasing the Revenue Source (030-400-C005 - Source 3210) by \$55,000.

Adopted 1/16/04.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Minneapolis Public Housing Authority, in an amount not to exceed \$750,000, to provide police services to public housing communities. Said contract shall be for the period January 1 through December 31, 2004 to provide the services of one lieutenant, one sergeant and six officers to be assigned to the Public Housing Authority.

Adopted 1/16/04.

**PS&RS & W&M/Budget** - Your Committee recommends acceptance of low responsive bid received on OP #6178 (Petr No 269323) submitted by Symtron Systems, Inc, in the amount of \$132,385, to furnish and deliver fire training props to the Fire Department, contingent upon approval of the Civil Rights Department, and in accordance with City specifications.

Adopted 1/16/04.

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to accept a grant award of \$85,000 from the Minnesota Department of Public Safety to provide structural collapse rescue fire fighting training programs for firefighters from the Minneapolis Fire Department and surrounding Fire Departments that participate in a newly formed regional collapse rescue team; and passage of the accompanying Resolution appropriating \$85,000 to the Fire Department.

Your Committee further recommends that the proper City Officers be authorized to issue a Request for Proposals for structural collapse rescue fire fighting training programs, pending review and approval by the Permanent Review Committee.

Adopted 1/16/04.

Approved by Mayor Rybak 1/16/04.

(Published 1/20/04)

**RESOLUTION 2004R-013  
By Niziolek and Johnson**

**Amending The 2004 General Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Fire Department Agency in the Grants - Other Fund (060-280-2800) by \$85,000 and increasing the Revenue Source (060-280-2800 - Source 3215) by \$85,000.

Adopted 1/16/04.

Approved by Mayor Rybak 1/16/04.

(Published 1/20/04)

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** - Your Committee recommends passage of the accompanying resolution approving the appointments of members to the Skyway Advisory Committee (SAC) submitted by the Downtown Council.

Adopted 1/16/04.

Resolution 2004R-014, approving the appointments to the Skyway Advisory Committee, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-014**  
**By Colvin Roy**

**Approving the appointments to the Skyway Advisory Committee.**

Resolve by The City Council of The City of Minneapolis:

That the following appointments be made to the Skyway Advisory Committee for two-year terms to expire on December 31, 2005, as recommended by the Downtown Council:

David Burrill - Ryan Companies  
Tim DuCharme – ING Clarion Realty Services  
Brent Erickson – United Properties, LLC  
Scott Foley – Hilton Minneapolis  
Kevin Fossum – Equity Office Properties Trust  
Steve Frisbie – Target Corporation – Marshall Fields  
Mary Kay Goodman – Residential  
Clifford Habeck – Thrivent Financial for Lutherans  
Andrew Hauer – Downtown Minneapolis Neighborhood Association  
Steven Herron – Zeller Management Corp.  
David Johnson – Brookfield Properties, LLC  
Bob Jones – TCF Bank  
Deb Kolar – RREEF/IDS/Crystal Court  
Michele Martin – Bremer Bank  
Beth Molitor – Hines Properties  
Damon Noga – Standard Parking  
Eugene Rerat – Marquette Plaza  
George Rosenquist, Jr. - Special Interests  
Kathy Stalwick – American Express Financial

*Non-Voting Ex Officio Members:*

John Bergquist – Licenses and Regulatory Services  
Jack Byers – Planning Department  
Phil Handy – Community Planning Economic Development  
Merwyn Larson – Inspections Department  
Kristi Lassegard – City Attorney's Office  
Mike Sachi – Traffic and Parking Services  
Adopted 1/16/04.

**T&PW** - Your Committee recommends that the proper City officers be authorized to execute a 20 year lease agreement with Minnesota Transportation Museum, Inc. (MTM), to use City-owned land for operating a historic streetcar system in the vicinity of Lake Harriet and Lake Calhoun.

Adopted 1/16/04.

**T&PW** - Your Committee, having under consideration modification of Critical Parking Area No. 5 (Elliot Park), now recommends approval to expand the current boundary to include the southerly half of the easterly side of the 1300 block of 5th Avenue South as described in Petn No. 269328 in the office of the City Clerk.

Adopted 1/16/04.

**T&PW** - Your Committee recommends passage of the accompanying resolution approving the special assessment deferment application submitted to Public Works.

Adopted 1/16/04.

Resolution 2004R-015, approving the special assessment deferment application, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-015**

**By Colvin Roy**

**Approving the special assessment deferment application.**

Resolved by The City Council of The City of Minneapolis:

That the following applications be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993:

a) Vincent Marano (Disabled Citizen), on the property at 3148 Bloomington Av S, PID 02-028-24-12-0196 special assessment (Levy 01028, Project 04WTR) for a water service line repair in the principal amount of \$2750.00 for payable 2004 and subsequent years;

b) John Richmond and Mary L. Wiherski (Disabled Citizens), on the property at 3252 Girard Ave N, PID 09-029-24-13-0154 special assessment (Levy 01052, Project 04S10) for sidewalk replacement in the principal amount of \$2242.24 for payable 2004 and subsequent years; and

c) Kathleen F. Revak (Disabled Citizen), on the property at 2110 23<sup>rd</sup> Ave N, PID 16-029-24-23-0064 special assessment (Levy 01052, Project 04S05) for sidewalk replacement in the principal amount of \$1170.37 for payable 2004 and subsequent years.

Adopted 1/16/04.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**T&PW & W&M/Budget** - Your Committee, having under consideration the LaSalle Avenue South Street Reconstruction Project, now recommends:

a) Approval of the project layout, dated December 18, 2003, for reconstruction of said project from Grant Street West to approximately 200 feet South of Franklin Avenue West;

b) Passage of a resolution directing the City Engineer to proceed with a formal request for a variance from State Aid for 9' wide parking lanes on LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West;

c) Authorize Public Works to negotiate with private property owners to acquire and execute easements and additional right of way, if necessary; and

d) Passage of a resolution holding harmless the State of Minnesota from actions that may arise from granting of a variance that would permit the reconstruction of LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West with a 9' wide parking lanes rather than the 10' width required by the Minnesota State Rules.

Adopted 1/16/04.

Resolution 2004R-016, directing the City Engineer to proceed with a formal request for a variance from State Aid for 9' wide parking lanes on LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-016**  
**By Colvin Roy and Johnson**

**Directing the City Engineer to proceed with a formal request for a variance from State Aid for 9 foot wide parking lanes on LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West.**

Whereas, the City wishes to reconstruct LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West; and

Whereas, Minnesota Department of Transportation (MnDOT) State-Aid Rule 8820.9936 requires 10' parking lane width on MSA roadways with ADT  $\geq$  10,500; and

Whereas, State-Aid Rules provide that a political subdivision may request a variance from the Rules;  
Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the City Engineer is hereby directed to submit to the Commissioner of Transportation a formal request for a variance from (MnDOT) State-Aid Rule 8820.9936 to permit reconstruction of LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West.

Adopted 1/16/04.

Resolution 2004R-017, holding harmless the State of Minnesota from actions that may arise from the reconstruction of LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West with a 9' wide parking lanes rather than the 10' width required by the Minnesota State Rules, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-017**  
**By Colvin Roy and Johnson**

**Holding harmless the State of Minnesota from actions that may arise from the reconstruction of MSA 158 LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West at less than State Aid Standards.**

Whereas, the City Engineer has been directed to request a variance from Minnesota Rules, Chapter 8820.9936 requires 10' parking lane width on MSA roadways with ADT  $\geq$  10,500, for the reconstruction of LaSalle Avenue South from Grant Street West to North side of the I-94 overpass bridge and from the South side of the I-94 overpass bridge to Franklin Avenue West required by the Rules; and

Whereas, the Commissioner of Transportation may grant said variance;

Now, Therefore, Be It Resolved by The City of Minneapolis:

That it indemnifies, saves and holds harmless the State of Minnesota and all its agents and employees of and from any and all claims, demands, actions, or causes of action arising out of or by reason of granting this variance, the reconstruction of MSA 141-159-006 manner than in accordance with Minnesota Rule 8820.9936 and further agrees to defend at their sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising as a result of the granting of this variance, contingent upon approval of the variance by the Commissioner of Transportation.

Adopted 1/16/04.

**T&PW & W&M/Budget** - Your Committee, having under consideration the Light Emitting Diodes (LED) Pedestrian Indication Replacement Program, now recommends passage of the accompanying resolution increasing the Public Works Transportation Capital appropriation by \$64,000 to fund said project to be fully reimbursed by the Xcel Energy Rebate Program for replacing existing incandescent pedestrian indication at signalized intersections.

Adopted 1/16/04.

**RESOLUTION 2004R-018**  
**By Colvin Roy and Johnson**

**Amending the 2004 Capital Improvement Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9440 B1692020) by \$64,000 and increasing the revenue source (4100-943-9440 - Source 3755) by \$64,000 to be fully reimbursed by the Xcel Energy Rebate Program.

Adopted 1/16/04.

**T&PW & W&M/Budget** - Your Committee recommends acceptance of the bid received on OP #6175 (Petn No 269329) submitted by CDS Technologies, Inc. in the amount of \$75,995, for storm water treatment chambers.

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said project/service, contingent on approval of the Civil Rights Department.

Adopted 1/16/04.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

**W&M/Budget** – Your Committee recommends concurrence with the recommendation of the Mayor and Executive Committee for the reappointment of Scott Renne as City Assessor for a two-year term to expire on January 2, 2006.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends acceptance of a monetary donation received from Minneapolis resident Miran Yoon Beaty in the amount of \$40.91.

Adopted 1/16/04.

**W&M/Budget** - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order #3 increasing the City's contract with Knutson Construction Services, Inc. (Contract #019214) by \$59,328 (for a new contract total of \$4,568,536) for additional work relating to soil remediation, payable from the project contingency budget.

Adopted 1/16/04.

Approved by Mayor Rybak 1/16/04.

(Published 1/20/04)

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving the terms of the 2004 Wage Re-opener per the Arbitrator's Award for a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 9, Emergency Communications Unit.

Adopted 1/16/04.

Resolution 2004R-019, approving the terms of the 2004 Wage Re-opener per the Arbitrator's Award for a collective bargaining agreement with the American Federation of State, County and Municipal



Employees (AFSCME) Local 9, Emergency Communications Unit, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-019**

**By Johnson**

**Approving the terms of the 2004 Wage Re-opener for a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 9, Emergency Communications Unit and authorizing execution and implementation of said agreement.**

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and AFSCME Council 14, Local #9, Emergency Communications Unit (Petn No 269338), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution approving 2004 salary adjustments for appointed and non-represented employees.

Adopted 1/16/04.

Resolution 2004R-020, approving 2004 salary adjustments for appointed and non-represented City employees, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-020**

**By Johnson**

**Approving 2004 salary adjustments for appointed and non-represented employees.**

Resolved by The City Council of The City of Minneapolis:

That the following salary schedules be enhanced as indicated:

- a) Appointed employees (excluding political appointees) by 1.5% effective January 1, 2004 or the beginning of the payroll period nearest January 1, 2004;
- b) Politically appointed employees by 2% effective January 11, 2004 (the delay in implementing will offset the step movement in December 2004);
- c) Non-represented employees step movement will be frozen for 2004, without retroactivity, and the salary schedules be enhanced by 2% effective January 11, 2004 (the delay in implementation until January 11, 2004 will offset the longevity movement throughout the year).

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends acceptance of the bids of NetVersant-Minneapolis/St. Paul, Inc. and Metro Communications, Inc. (as included in Petn No 269333) to provide voice and data cabling delivery, installation and testing through December 31, 2005 for total estimated annual expenditure of \$250,000, all in accordance with the City specifications of OP No. 6182:

Your Committee further recommends that the proper City Officers be authorized to execute a contract for said services.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends passage of the accompanying resolution concurring with the recommendation of the Municipal Building Commission (MBC) regarding establishment of a Historic Preservation Special Revenue Fund.

Adopted 1/16/04.

Resolution 2004R-021, providing for the establishment of the Municipal Building Commission Historic Preservation Special Revenue Fund, was passed 1/16/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-021**

**By Johnson**

**Providing for the establishment of the Municipal Building Commission (MBC) Historic Preservation Special Revenue Fund.**

Resolved by The City Council of the City of Minneapolis:

Per MBC Board approval and commencing on January 1, 2004, all revenues received from Municipal Building Commission initiatives including but not limited to the café/deli (and Hennepin County Government Center plaza cart), catering, equipment rental, space rental, vending machine sales and memorabilia sales will be used to support historic preservation activities related to the Minneapolis City Hall and Hennepin County Courthouse building. Other revenue generation initiatives may be added to this list in the future where necessary and as approved by the MBC Board. "Historic Preservation" is defined as any and all activities both operating and capital in keeping with the agency's mission to provide effective and efficient services to operate, maintain and preserve the historic landmark Minneapolis City Hall and Hennepin County Courthouse building, and ensure a safe and functional environment for City and County government employees, citizens and elected officials. All funds will be accounted for in a Special Revenue Fund according to City of Minneapolis accounting practices; any unspent funds remaining at the end of the calendar year will go into an MBC Historic Preservation fund balance and will be carried over into the next calendar year. Furthermore, all projects utilizing MBC Historic Preservation Funds will be brought before the MBC Board for approval.

Adopted 1/16/04.

**W&M/Budget** - Your Committee, having under consideration staffing adjustments within the City Clerk Department, now recommends that one Full-Time Equivalent (FTE) Office Support Specialist II position be restored to the City Clerk's Office (0100-260-2611) and that Anita Roby be authorized to fill said position at the 5th Step rate of pay, effective February 9, 2004.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the City's contract with Unisys (Contract #18881) by increasing the amount by \$3,353,210 over the remaining six years of the contract. The increase shall provide for additional managed services exceeding the original scope of the contract; additional services are being requested by customer departments and no appropriation of funds is requested.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to amend the City's contract with ESRI Corporation (Contract #16220) by extending the period of the contract through June 30, 2004, allowing for the continuance of technical assistance on the GIS 2000 Project.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a Request for Proposals (RFP) seeking consulting services for the development of a comprehensive plan

and specific strategies addressing environmental health concerns of children in the urban environment, to be funded by a Department of Housing and Urban Development grant.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends that the proper City officers be authorized to execute a contract with the St. Paul-Ramsey County Department of Public Health in an amount not to exceed \$200,000 for their participation in the Environmental Action for Children's Health Project (to reduce environmental asthma triggers in the homes and day cares of low-income children diagnosed with asthma), funded by a Department of Housing and Urban Development grant.

Adopted 1/16/04.

**W&M/Budget** - Your Committee recommends that the Community Planning and Economic Development (CPED) Department be authorized to add three Full-Time Equivalent (FTE) Service Worker positions to the department's 2004 authorized staff level, reinstating positions that were going to be replaced by Hennepin County Sentence to Serve workers (a change that was not allowed under the existing labor agreement).

Adopted 1/16/04.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** - Your Committee concurs with the recommendations of the Mayor to reappoint the following individuals to the Minneapolis Planning Commission for two year terms, to expire January 31, 2006:

- a) Judith Martin, 14 Grove St, Minneapolis (Ward 5);
- b) Michael Krause, 433 S 7th St, #2025, Minneapolis (Ward 7).

Adopted 1/16/04.

**Z&P** - Your Committee, having under consideration the appeal filed by The Nicollet Island-East Bank Neighborhood Association and the Old St. Anthony Association from the decision of the Planning Commission which approved the application of T.H.E. Theater and the Wash & Brush Up Company, 509 Central Ave NE, for a variance to reduce the required number of off-street parking spaces for a live theater from 13 to 0, now recommends that said appeal be denied and the variance be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted 1/16/04.

**Z&P** - Your Committee, having under consideration the appeal filed by Dennis Werneke, for the Second Street Business Association, from the decision of the Planning Commission which approved the application of Commercial Container Corporation for a conditional use permit to allow a recycling facility at 2209 - 2nd St N, now recommends that said appeal be denied and the conditional use permit be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted 1/16/04.

**Z&P** - Your Committee, having under consideration the appeal filed by Jerome Whelan, for Commercial Container Corporation, 2209 - 2nd St N, from the decision of the Planning Commission which added a condition to approval of the site plan review application for a recycling facility that requires that all four sides of the building be constructed of rock-face concrete block, now recommends that said appeal be granted, and that the findings prepared by the Planning Department staff be adopted.

Adopted 1/16/04.

**Z&P** - Your Committee, having under consideration the appeal filed by the Above the Falls Citizen Advisory Committee from the decision of the Planning Commission which approved the application of Timothy Baylor, for JADT Development Group, LLC, for a conditional use permit to increase the height of the proposed building in the Shoreland Overlay District and Mississippi River Overlay District from 2.5 stories or 35 feet, to 4 stories or 42 feet, for the Riverview Homes/Phase III development, 2225 W River Rd N, now recommends that said appeal be forwarded without recommendation.

Samuels moved to amend the report by deleting the language, "forwarded without recommendation" and inserting in lieu thereof, "denied, and that the findings prepared by the Planning Department be adopted." Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 1/16/04.

Absent - Niziolek.

**Z&P** - Your Committee, having under consideration the appeal filed by the Above the Falls Citizen Advisory Committee from the decision of the Planning Commission which approved the application of Timothy Baylor, for JADT Development Group, LLC for a conditional use permit to increase the height of the proposed building in the Shoreland Overlay District and Mississippi River Overlay District from 2.5 stories or 35 feet; and to increase the height of the proposed building in the I1 Zoning District from 4 stories or 56 feet to 10 stories or 95 feet, for the Riverview Homes/Phase IV development, 2201 W River Rd N, now recommends:

a) that the appeal relating to the increase the height of the proposed building in the Shoreland Overlay District and Mississippi River Overlay District from 2.5 stories or 35 feet be granted; and

b) that the appeal relating to the increase the height of the proposed building in the I1 Zoning District from 4 stories or 56 feet to 10 stories or 95 feet be denied, and that the findings prepared by the Planning Department staff be adopted.

Samuels moved to amend the report by deleting the language "granted" in paragraph "a)" and inserting in lieu thereof "granted in part and denied in part, to allow an increase of height for that portion of the structure shown on the plans which lies within the Shoreland and Mississippi River Overlay Districts, and for which the applicant sought approval to construct at 95 feet in height, to instead be approved to reach a height of 50 feet, and that the Council adopt the following findings in support of said denial:

1) The purpose of the Mississippi River Critical Area Overlay District is to prevent and mitigate damage to the Mississippi River, to preserve and enhance the Mississippi River's natural, aesthetic, cultural and historic value for public use, to protect and preserve the biological and ecological functions of the Mississippi River corridor, to comply with the requirements regarding the management of critical areas, and to protect the public health, safety and welfare.

2) As discussed in comments provided by the Minnesota Department of Natural Resources, it is important to consider the impact of proposed structures on the views of the shoreland from and along the Mississippi River, and efforts should be made to screen or otherwise mitigate the visual impact of structures in the overlay district.

3) Views of a structure that rises to 95 feet within the overlay district cannot be effectively screened or mitigated and would have a substantial impact on views from and along the river.

4) The applicant has not provided a justification for allowing such a substantial increase over the general 35-foot height limit for structures within 300 feet of the river for this proposed structure.

5) The design for the majority of that portion of the building which the applicant intends to construct within the overlay districts does not exceed the 35-foot height limit (the retail section). The applicant wishes to increase the height of the structure over 35 feet for a portion that would lie approximately 270 feet from the river. This is the section that shall be approved to reach a height of 50 feet.

6) An increase in height of this portion of the building to 50 feet will be mitigated by its distance from the river, the vegetation along the river and the trees to be planted along the boulevard, and by the stepped-back design of the building from the street.

Adopted upon a voice vote.

The report, as amended, was adopted 1/16/04.

Absent - Niziolek.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Timothy Baylor, for JADT Development Group, LLC (BZZ-1405) to rezone the property at 2225 W River Rd N to add the Industrial Living Overlay District to the existing I1 District to permit a 76-unit senior development (Riverview Homes Phase III), and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 1/16/04.

Ordinance 2004-Or-004, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2225 W River Rd N to add the Industrial Living Overlay District to the existing I1 District, was passed 1/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-004**  
**By Schiff**  
**1st & 2nd Readings: 1/16/04**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lot 2, Block 1, North Washington Industrial Center, Hennepin County, Minnesota, lying Easterly of the Westerly 250.0 feet and Northerly of the Southerly 180.0 feet thereof (2225 W River Rd N - Plate 8) to add the Industrial Living Overlay District to the existing I1 District.

Adopted 1/16/04.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Timothy Baylor, for JADT Development Group, LLC (BZZ-1405) to rezone the property at 2201 W River Rd N to add the Industrial Living Overlay District to the existing I1 District to permit a 71-unit senior development (Riverview Homes Phase IV), and adopting the related findings prepared by the Planning Department.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 1/16/04.

Ordinance 2004-Or-005, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2201 W River Rd N to add the Industrial Living Overlay District to the existing I1 District, was passed 1/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-005**  
**By Schiff**  
**1st & 2nd Readings: 1/16/04**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of the South 180.0 feet of Lot 2, Block 1, North Washington Industrial Center, Hennepin County, Minnesota, lying Easterly of Westerly 250.0 feet thereof (2201 W River Rd N - Plate 8) to add the Industrial Living Overlay District to the existing I1 District.

Adopted 1/16/04.

**Z&P** - Your Committee, having under consideration the appeal filed by Christopher Olsen, 1704 - 49th Ave N, from the decision of the Board of Adjustment which denied applications for a) a variance to increase the maximum permitted size of detached accessory structures from 676 square feet to 912 square feet to maintain an existing garage and shed on the property; b) a variance to increase the maximum permitted height of a fence in an interior side yard from 4 feet to 9 feet; and c) a variance to reduce the west interior side yard setback requirement from 5 feet to 3 feet, both to allow for the construction of a new deck with a privacy fence, now recommends that said appeal be denied and the decision of the Board of Adjustment upheld, and that the findings prepared by the Planning Department staff be adopted.

Adopted 1/16/04.

**Z&P** - Your Committee, having under consideration the Council action of October 10, 2003 relating to a staff direction that the City convene a committee of interested parties in the historic designation of the University of Minnesota Greek Letter Chapter House Historic District to agree upon a set of design guidelines, to be approved within three months of the designation, now recommends that the Council action be amended by deleting the language "agree upon a set of design guidelines, to be approved within three months of the designation" and inserting in lieu thereof "provide input, review and comment upon a set of design guidelines."

Adopted 1/16/04.

## **MOTIONS**

Johnson, Chair of the Ways & Means/Budget Committee, moved that the regular payrolls for all City employees under City Council jurisdiction for the month of February, 2004, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 1/16/04.

Lilligren moves that Business Information Services (BIS) be the central organization responsible for all activities related to the development and deployment of a comprehensive City government-wide wireless strategy and infrastructure that integrates with the City's IT, telephony (including cell phones), radio and data communications environments and that all City departments with the need for wireless communication must engage this organization (BIS) to ensure conformance to overall strategy, standards and the ability to leverage economies of scale.

Lilligren further moves that BIS be the City's point of contact and coordination related to the establishment of a comprehensive citywide "Technology Agenda" that will involve other jurisdictions and the private sector. Seconded.

Adopted 1/16/04.

Ostrow introduced the subject matter of an ordinance amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to *Zoning Code: Industrial Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending Table 550-1 Principal Uses in the Industrial Districts to permit regional sports arenas in the Zone 12 District within the downtown area).

Colvin Roy introduced the subject matter of an ordinance amending Title 18, Chapter 478 of the Minneapolis Code of ordinances related to *Traffic Code: Parking, Stopping, and Standing*, which was given its first reading and referred to the Transportation and Public Works Committee (To modify requirements, restrictions, and fees of the existing Critical Traffic and Parking Area ordinance).

Schiff moves to amend the Council action of December 15, 2003 relating to denial of the application of Todd Cushman (BZZ-1363) to rezone the property at 3639 - 1st Ave S from R1A to the R3 District to make an existing two-family dwelling conforming, by adding the following paragraph:

"In lieu of the requested R3 District, rezoning of the property to the R2B District is approved, by passage of the accompanying ordinance amending Zoning Code."

Seconded.

Adopted 1/16/04.

Ordinance 2004-Or-006, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3639-1st Ave S to the R2B District, was passed 1/16/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 2004-Or-006**  
**By Schiff**  
**1st & 2nd Readings: 1/16/04**

**Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 26 and 27, Block 001, Dunsmoors Rgt of 2nd Nicollet Ave Addition (3639 - 1st Ave S - Plate 25) to the R2B District.

Adopted 1/16/04.

Zimmermann moved to refer the subject matter of a resolution exploring the feasibility of basing a Personal Rapid Transit (PRT) system in Minneapolis to the Community Development, Intergovernmental Relations, and Transportation & Public Works Committees. Seconded.

Adopted 1/16/04.

Schiff moved to refer the subject matter of a resolution exploring the feasibility of a streetcar system in Minneapolis to the Community Development, Intergovernmental Relations, and Transportation & Public Works Committees. Seconded.

Adopted 1/16/04.

**RESOLUTION**

Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Schiff, Niziolek, Benson, Colvin Roy and Lane offered a Resolution expressing appreciation for Minneapolis Employees Serving in the United States Armed Forces.

Adopted 1/16/04.

(Not Published. See Resolution 2004R-022 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

**RESOLUTION 2004R-022**  
**By Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren,**  
**Schiff, Niziolek, Benson, Colvin Roy, Lane**

**Expressing appreciation for Minneapolis employees serving in the United States Armed Forces.**

Whereas, the United States Armed Forces are facing the challenges of the war on terrorism, the war in Iraq, homeland security, and international peacekeeping missions; and

Whereas, the men and women in the Armed Forces are committed to preserving the freedoms we have as American citizens and protecting our Nation from a wide range of threats; and

Whereas, homeland and international challenges are calling many of our National Guard and Reserve Service men and women into active duty in the United States and overseas; and

Whereas, a number of City of Minneapolis employees have served, or are currently serving our country in National Guard and Reserve Service active duty; and

Whereas, those who have been called to active duty face tremendous difficulties leaving their families, friends, coworkers and jobs to serve our country; and

Whereas, these brave men and women are willing to make the ultimate sacrifice and deserve the respect and support of the citizens of Minneapolis and the citizens of the United States; and

Whereas, the City of Minneapolis relies on the efforts of employees who must take on additional responsibilities when their colleagues are called to active duty;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis offers its sincere appreciation and respect to City of Minneapolis employees who are serving, or have recently served on active duty, for their commitment, bravery and patriotism.

Be It Further Resolved that the City of Minneapolis thanks City of Minneapolis employees who are going above and beyond the call of duty to take on additional responsibilities while their colleagues are serving on active duty.

Be It Further Resolved that our thoughts are with our troops and their families in this difficult time and we await their safe and speedy return.

Adopted 1/16/04.

**UNFINISHED BUSINESS**

Replacement of Natural Gas Main (Bryant Av & 7th St): Authorize payment of \$35,437.27 to CenterPoint (Minnegasco) for damage caused by City crews

**T&PW** - Approval.

**W&M/Budget** - Sent forward without recommendation

(Postponed 10/24/03, T&PW & W&M/Budget)

By unanimous consent, the above report continued to be postponed.

**NEW BUSINESS**

Niziolek introduced an Ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Adding a new Section 362.45 entitled "Off-Sale malt liquor").

Niziolek introduced an Ordinance amending Title 14, Chapter 363 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Wine Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Section 363.10 relating to definitions).

Johnson introduced an Ordinance amending Chapter 3 of the Minneapolis City Charter relating to *Powers and Duties of Officers*, which was given its first reading and referred to the Intergovernmental Relations Committee (Amending Section 12 relating to contract procedures, approved and transmitted by the Charter Commission January 7, 2004 requesting approval by the City Council by a 13-0 vote).

Johnson introduced an Ordinance amending Chapter 15 of the Minneapolis City Charter relating to *Board of Estimate and Taxation*, which was given its first reading and referred to the Intergovernmental Relations Committee (Amending Section 9 relating to contract procedures, approved and transmitted by the Charter Commission January 7, 2004 requesting approval by the City Council by a 13-0 vote).



Lilligren moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Hagen vs. Palmer* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

January 16, 2004 - 12:05 p.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Lilligren, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Ostrow.

Also present - Jay Heffern, City Attorney; Peter Ginder, Acting Deputy City Attorney; Lynne Fundingsland, Assistant City Attorney; Lucy Gerold, Deputy Chief of Police; Merry Keefe, City Clerk; Jan Hrnecir, City Clerk's Office.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Hagen vs. Palmer* lawsuit.

Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 12:07 p.m.

Present - Schiff (In at 12:09), Zerby (In at 12:13), Lilligren, Johnson Lee (In at 12:12; Out at 12:25), Niziolek, Benson, Goodman, Lane (Out at 1:02), Samuels, Johnson, Colvin Roy, Ostrow.

Absent - Zimmermann.

Also present - Jay Heffern; Peter Ginder (Out at 12:24); Lynne Fundingsland; Merry Keefe; David Fey (In at 12:29; Out at 12:50), Mayor's office; and Jan Hrnecir.

Lynne Fundingsland summarized the *Hagen vs. Palmer* lawsuit from 12:07 p.m. to 1:07 p.m.

Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Merry Keefe,  
City Clerk.

Unofficial posting: 01/21/2004  
Official posting: 01/22/2004  
Correction: 02/24/2004  
03/04/2004  
7/27/2004